

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6068 of 2024

Deepak Kumar, S/o Sanjay Sah, R/o - Village Kathaur, Parsauni, P.O. and
P.S. - Parsauni Baikunthpur, District – Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary-cum-Additional Chief Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Engineer in Chief-Cum-Special Secretary, Public Health Engineering Department, Govt of Bihar, Patna.
3. All Jonal Chief Engineer, Public Health Engineering Department, Bihar.
4. All Superintending Engineer, Public Health Engineering Circle, Bihar.
5. The Superintending Engineer, Public Health Circle, Chapra.
6. The Executive Engineer, Public Health Division, Chapra.

... .. Respondents

Appearance :

For the Petitioner/s : None.
For the Respondent/s : Mr. P.K. Shahi, AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 19-04-2024

The writ petition has been placed under the heading
“For Orders (On Office Notes)” for removal of the defect(s).

2. Despite repeated calls, none appears on behalf of
the petitioner to press this application.

3. Learned counsel for the Government Advocate, is
present.



4. This Court has gone through the averments made in the writ petition.

5. The petitioner by invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seeks a direction upon the respondents to ensure transfer and posting of those Government Officials/Staffs, who are sitting tight in their respective offices for more than three years contrary to law and polluting the fair work culture of their respective offices; being influential on several counts. The petitioner also seeks strict compliance of letter no. 629 dated 13.06.2017 as well as letter no. 962 dated 15.06.2019 in order to establish rule of law relating to transfer and posting of the government employee(s).

6. The petitioner has also pointed out the irregularities based on non-compliance of the guidelines issued by the government in relation to transfer and posting.

7. This Court, time without number, has observed that a person acting *bona fide* and having sufficient interest in the proceeding of Public Interest Litigation will alone have a *locus standi* and can approach the court to wipe out infringement of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political



motive or any oblique consideration. Mere busy bodies or meddlesome interlopers or officious intervenors without having interest or concern, except for personal gain or private profit or other oblique consideration can be allowed to abuse the process of the court by initiating vexatious or frivolous litigation.

8. It is well settled that Public Interest Litigation with regard to service jurisprudence is not to be entertained when the object and target of a petition styled as PIL is oblique. The court has to be careful to see whether the attack in the guise of public interest is really intended to unleash a private vendetta, personal grudge or some other *mala fide* object; when the writ petition itself will not be maintainable.

9. The issue with regard to the *locus standi* of a person in service matters has been dealt with by the Hon'ble Apex Court in umpteen numbers of cases, some of which are as follows:

- (1) **Neetu v. State of Punjab and Others [(2007) 10 SCC 614.**
- (2) **Bholanath Mukherjee and Others v. Ramakrishna Mission Vivekananda Centenary Colleges And Others [(2011) 5 SCC 464].**
- (3) **Vishal Ashok Thorat and Others v. Rajesh Shrirambapu and Others [(2020) 18 SCC 673.**

10. Considering the nature of the grievance and the



aforesaid settled legal position, this Court does not find any merit in the writ petition. Accordingly, it is dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22-04-2024
Transmission Date	

